

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION No.: 03 CV 12573 EFH**

BERNADINE T. GRIFFITH Plaintiff)	
)	
vs.)	
)	
ONEBEACON INSURANCE COMPANY,)	
ONEBEACON AMERICA INSURANCE)	
COMPANY, MICHAEL A. SISTO, and)	
KAREN ALLEN HOLMES)	
Defendants)	

PLAINTIFF'S MOTION TO STRIKE

Now comes the Plaintiff, Bernadine T. Griffith, who respectfully moves this Honorable Court to allow the Plaintiff to strike from her Amended Complaint paragraphs number 18 -59, pursuant to Federal Rules of Civil Procedure Rule 12 (f), as she more fully states:

- (1) Although the defendant has already answered the Amended Complaint, the defendant generally denied all paragraphs numbered 14 - 142 of the Amended Complaint. See attached Exhibit A, page 4 of the Defendant's March 15, 2004 Answer to the Amended Complaint.
- (2) The striking of paragraphs numbered 18 – 59 from the Statement of Facts section of the Amended Complaint presents no prejudice to the Defendants.
- (3) By striking the said paragraphs from the Statement of Facts section of the Amended Complaint, the result will work to eliminate any redundant matter and clarify factual issues: that, which appears to be the cause of confusion and misunderstanding in this action.

- (4) Therefore, the Plaintiff moves to strike the said paragraphs on her own initiative for the purpose of clarification and in the best interest of judicial economy.

MEMORANDUM OF REASONING

The Plaintiff moves to strike paragraphs numbered 18 – 59 from the Statement of Facts section of the Amended Complaint, in accordance with Fed. R. Civ. P. 12 (f), which states:

“Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon the party or upon the court’s own initiative at any time, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”

Here, the Plaintiff moves on her own initiative to invoke the assistance of the Court in resolving an on going dispute that has caused the parties to slow the process of discovery for, in fact, initial discovery is not even complete. Most recently, the parties filed a Motion for Status Conference to resolve procedural issues and have refused to answer the Complaint in the second companion action, Docket No. 04-cv-10605 EFH.

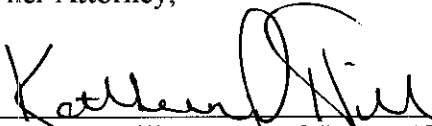
WHEREFORE, the Plaintiff respectfully requests this Court allow the Plaintiff’s Motion to Strike paragraphs numbered 18 – 59 from the Statement of Facts section of the Amended Complaint, in resolution of the procedural dispute.

RULE 7.1(d) REQUEST

THE PLAINTIFF RESPECTFULLY REQUESTS ORAL ARGUMENT.

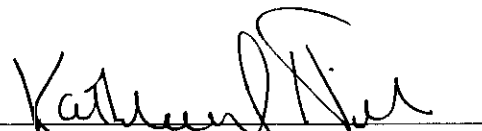
Respectfully submitted,
BERNADINE T. GRIFFITH
By her Attorney,

Date: July 21, 2004


Kathleen J. Hill BBO# 644665
LAW OFFICE OF KATHLEEN J. HILL
92 State Street, Suite 700
Boston, MA 02109
617.742.0457 (O) / 617.742.4508 (F)

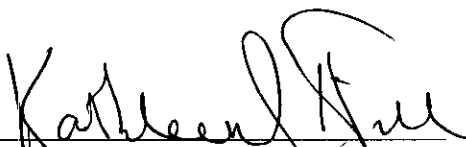
RULE 7.1(a)(2) CERTIFICATION

I, Kathleen J. Hill, certify that I have conferred in good faith with the Defendants' Counsel of Record, Leah Moore, of Morgan, Brown, Joy, L.L.P. on July 12, 2004, but the parties did not resolve the disputed issue.


Kathleen J. Hill

CERTIFICATE OF SERVICE

I, Kathleen J. Hill, herein certify that I served a true and accurate copy of the foregoing Plaintiff's Motion for Consolidation on the counsel of record: Leah M. Moore, of Morgan, Brown & Joy, One Boston Place, Boston, Massachusetts by pre-paid U.S. Mail and facsimile on this 21st day of July 2004.


Kathleen J. Hill